

REMARKS

Claims 1, 8, 10, and 13-18 are now pending in the application. Claims 9 and 12 are cancelled without disclaimer or prejudice to the subject matter contained therein. Claims 14-18 are added. Support for claims 14-18 can be found throughout the drawings and specification as filed. As such, no new matter is presented by this amendment. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

35 U.S.C. § 132 OBJECTION

The amendments filed August 3, 2006 and January 12, 2007 are objected to under 35 U.S.C. § 132(a) because it introduces new matter into the disclosure.

The Examiner alleges that the recitation of cutting edges from the sheet metal lengths is new matter. Applicant respectfully disagrees. However, Applicant hereby cancels claim 12 to facilitate prosecution.

REJECTION UNDER 35 U.S.C. § 112

Claim 12 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

Claim 12 is cancelled. As such, this rejection is rendered moot.

REJECTION UNDER 35 U.S.C. § 102

Claims 1, 8, 12 and 13 are rejected under 35 U.S.C. § 102(b) as being anticipated by Uehlinger et al. (U.S. Pat. No. 4,681,001). This rejection is respectfully traversed.

With respect to claim 1, Uehlinger fails to show, teach, or suggest that each of the forward edge and the following edge include a plurality of waves that are linearly arranged, and while clamping the plurality of waves, machining an exposed portion of each sheet metal length, wherein **the plurality of waves are attached to each sheet metal length and are linearly arranged during the clamping and machining.**

For anticipation to be present under 35 U.S.C §102(b), there must be no difference between the claimed invention and the reference disclosure as viewed by one skilled in the field of the invention. Scripps Clinic & Res. Found. V. Genentech, Inc., 18 USPQ.2d 1001 (Fed. Cir. 1991). All of the limitations of the claim must be inherent or expressly disclosed and must be arranged as in the claim. Constant v. Advanced Micro-Devices, Inc., 7 USPQ.2d 1057 (Fed. Cir. 1988). Here, Uehlinger fails to disclose the limitation that the plurality of waves are **attached to each sheet metal length** and are **linearly arranged** during the clamping and machining.

As shown in an exemplary embodiment in FIG. 2 of the present application, a strip 11 of sheet metal is cut into lengths 13, 15, and 17. Each of the lengths includes an edge portion 23. The edge portion 23 includes a plurality of wave shaped notches 25 and projections 27 (i.e. a plurality of waves). More specifically, the plurality of waves are linearly arranged.

Applicant respectfully notes that the purpose of the waves (as described throughout the Specification, and at least in Paragraph [0026]) is to provide a clamping surface during subsequent machining. In other words, when one of the edge portions 23 is clamped, a plurality of wave shaped notches and projections 27 are clamped (i.e. not just a single wave).

In contrast, Uehlinger discloses that only a single one of the alleged waves is clamped. For example, the Examiner relies on FIG. 6F of Uehlinger to illustrate the clamping. Applicant respectfully notes that FIG. 6F fails to disclose i) a plurality of waves; ii) that are attached to the sheet metal length; iii) that are linearly arranged; and iv) during the clamping and machining.

For example, FIG. 6F discloses a “blank” **that is detached from the web of blanks**. (See Column 13, Lines 21-23). Please note that in FIG. 3A (the portion that the Examiner relies upon to disclose the plurality of waves), each blank consists of, at best, a single one of the alleged waves. As such, the alleged clamped item shown in FIG. 6F fails to disclose the claimed plurality of waves. Further, the above cited portion of Uehlinger indicates that the clamped blank is **detached from the web**. Applicant notes that the Examiner appears to rely on the initial structure shown in FIG. 3A to disclose the claimed sheet metal lengths. Neither the single blank shown in FIG. 6F nor a plurality of waves, as claimed, is attached to the alleged sheet metal length during this alleged clamping step.

In view of the above, Uehlinger fails to disclose a plurality of waves that are linearly arranged during the clamping. Applicant respectfully notes that a single one of the alleged blanks (consisting of a single wave) fails to disclose a plurality of waves that

are linearly arranged. As such, Uehlinger fails to show, teach, or suggest **a plurality of waves that are attached to the sheet metal length and are linearly arranged during the clamping and machining.**

Applicant respectfully submits that claim 1, as well as its dependent claims, should be allowable for at least the above reasons. Claim 13 should be allowable for at least similar reasons.

NEW CLAIMS

Claims 14-18 are added. Initially, Applicant respectfully notes that claim 14 includes subject matter similar to claim 1 and should be allowable for at least similar reasons.

With respect to claim 15, Uehlinger fails to show, teach, or suggest determining a size of each of the plurality of waves based on optimizing the clamping. Instead, Uehlinger is directed to determining a size of each of the plurality of waves based on a desired size of the final product (i.e. a desired can size).

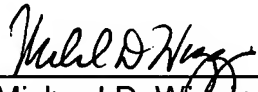
With respect to claim 16, Uehlinger fails to show, teach, or suggest that a height of each of the plurality of waves is less than or equal to 50 mm. Here again, Applicant respectfully notes that Uehlinger discloses that the individual waves are portions that are eventually used cans. In contrast, the waves of the present application are used for clamping and are subsequently discarded. As such, the size of the waves is minimized to correspondingly minimize waste material. Applicant notes that the claimed size of less than or equal to 50 mm is neither disclosed in Uehlinger nor suitable for the intended purpose of Uehlinger.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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